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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,986	07/05/2001	Arturo Contini	2541-1002	2457

466 7590 02/03/2003

YOUNG & THOMPSON  
745 SOUTH 23RD STREET 2ND FLOOR  
ARLINGTON, VA 22202

EXAMINER
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BHAT, NINA NMN

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1761

1. On September 26, 2002 a Third Party Protest was filed in this case for consideration, the protest was filed after a first Office action was mailed out to applicant
2. Applicant's amendment and response filed on December 9, 2002 has been received, entered and acknowledged. Claims 1-9 have been cancelled. Claims 10-17 are pending.
3. On January 8, 2003, the examiner called applicant's representative to inquire whether applicant would be filing a response to the Protest. Applicant's representative indicated they did not receive a copy of the Protest filed.
4. On January 9<sup>th</sup>, the examiner called the Third Party Protest, attorney and indicated whether she filed a copy of the Protest pursuant to the guidelines on Protest set forth in the MPEP1901 and 1901.03 namely filing a copy of the Protest to Young and Thompson. Ms. Zibas indicated she mailed a copy to Young and Thompson and verified the address with the examiner and indicated that she would mail again the Protest to Young and Thompson.
5. A protest against issuance of a patent based upon this application has been filed under 37 CFR 1.291(a) on 9-26-2002, and a copy of this Office Action is NOT sent to the Protestor. Any comments or reply applicant desires to file before consideration of the protest must be filed within 1 month from the mailing date of this action.
6. Upon initially reviewing the third party Protest, the examiner finds the Colavita Balsamic Glace, the Di Nigris Balamy Cream and Napoleon Balsamic Glaze as well as

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Annie's Vinaigrette are compositions, which would be readable on applicant's invention.

References relevant to the examination of this application may soon become available.

*Ex parte* prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nina Bhat whose telephone number is 703-308-3879.

The examiner can normally be reached on Monday-Friday, 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 703-308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

*N.Bhat*  
Nina Bhat  
Primary Examiner  
Art Unit 1761

January 31, 2003